

REMARKS

Claims 1-26, 28, and 30-41 are pending. Claims 1 and 2 are amended herein. Claims 27, 29, 42 and 43 are canceled herein.

The Final Office Action dated May 28, 2004 ("Final Office Action"), from which appeal was taken, stated that claims 18-25 and 35 were allowed. The Final Office Action further stated that claims 27, 29, and 31-34 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, claims 1-17, 26, 28, 30, and 36-43, rejected in the Final Office Action, were the subject of Applicants' appeal to the Board of Patent Appeals and Interferences. Following Applicants' appeal, the Board Decision reversed the Examiner's rejections of claims 1-17, 30, and 36-41. The Board Decision affirmed the Examiner's rejections of independent claims 26, 28, 42, and 43.

Consistent with the Final Office Action and the Board Decision, claims 27, 29, 42 and 43 are canceled, and claims 26 and 28 have been amended to incorporate subject matter from now-canceled claims 27 and 29 respectively, which subject matter the Examiner had previously indicated to be allowable. Claim 26 was also amended in line 4 for the formal purpose of inserting the article "a" before the word "state." Further, the preambles to claims 1 and 2 have been amended to clarify the scope of those claims. In the aforementioned March 1, 2007 telephone interview between the Examiner and Applicants' representative, the Examiner indicated that the foregoing amendments to claims 1 and 2 would not affect the allowability of those claims in light of the Board Decision.

Applicants thank the Examiner for the courtesy of the aforementioned March 1, 2007 telephone interview. It is believed that the foregoing claim amendments and cancellations place this application in condition for allowance. However, if any formal matters require attention, the Examiner is encouraged to telephone the undersigned Applicants' representative.

CONCLUSION

In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0180. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Dated: March 1, 2007

Respectfully submitted,

By 

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FAX TRANSMISSION

DATE: March 1, 2007

PTO IDENTIFIER: **Application Number** 09/362,014-Conf. #6303

Patent Number

Inventor: William S. Meeks et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: RADER, FISHMAN & GRAUER PLLC

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PAGES (Including Cover Sheet): 17

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Response After Board Decision (14 pages)
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